



# **Headquarters Policy Flash**

**FLASH 2002-02**

DATE: January 8, 2002  
TO: Procurement Directors  
FROM: Office of Procurement and Assistance Policy, ME-61  
Office of Procurement and Assistance Management

SUBJECT: FY 2002 Energy and Water Act and Interior Act Requirements

SUMMARY: This Flash transmits a summary of a new Acquisition Letter and Financial Assistance Letter that provides implementing guidance on FY 2002 appropriation requirements. The Flash, Acquisition Letter, and Financial Assistance Letter are posted online at <http://professionals.pr.doe.gov>

**FLASH 2002-02**  
**January 8, 2002**

**I. Acquisition Letter 2002-02 on FY 2002 Legislative Provisions**  
**(dated January 8, 2002)**

**Energy and Water Act**

AL 2002-02 provides guidance regarding the implementation of Section 301, 304, 501, 502, and Legislative Direction provided in the House and Conference Reports (Augmenting Federal Staff, Limitation on Multi-Year Funding Agreements for Environmental and Other Defense Related Activities, and Contractor Travel) of the FY 2002 Energy and Water Development Appropriations Act Pub. L. 107-66. Provisions related to the use of competitive procedures, RFP's for unfunded programs, lobbying restrictions, and purchase of American made products are carried over from the FY 2001 Energy and Water Development Appropriations Act Pub. L 106-377. The Travel restrictions, included in previous Energy and Water Acts, placing a monetary limit on the reimbursement of travel costs for management and operating contracts has not been included in this year's provisions. However, the Department is directed to maintain a tracking system that will allow for periodic reviews of contractor travel costs and destinations.

It is important to note that a new Section 307 has been included in this year's act concerning user facilities. The Department is in the process of evaluating the new requirement and will provide implementation guidance as soon as possible. However, in the interim, you should be aware of the new provision: *When the Department makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner.*

Also, included in this AL is a new section entitled Legislative Direction. Legislative direction is language that is contained in the House, Senate and/or Conference Reports accompanying the Energy and Water Act or any Act associated with the Department of Energy Appropriations.

**FLASH 2002-02**  
**January 8, 2002**

**Interior Act**

FY 2002 Department of Interior and Related Agencies Appropriations Act (Pub. L. 107-63) contains three provisions relative to DOE procurement programs. Section 301 addresses public availability of information, section 302 lobbying restrictions, and an unnumbered provision that prohibits the use of funds to prepare, issue, or process procurement documents where funds have yet to be appropriated. Guidance implementing these provision is contained in the attached AL.

**Defense Act**

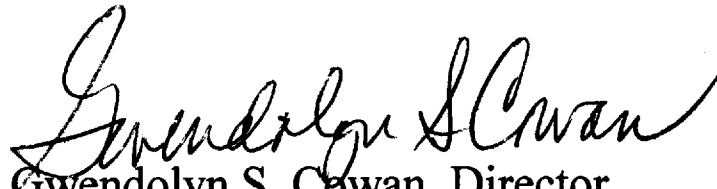
The National Defense Authorization Act for FY 2002, Pub. L. 107-107, has only recently been signed into law. Information regarding any procurement requirements that effect DOE will be provided at a later date.

For questions related to this Acquisition Letter, contact Denise P. Wright on (202) 586-6217 or via e-mail at [Denise.Wright@hq.doe.gov](mailto:Denise.Wright@hq.doe.gov)

**II. Financial Assistance Letter (FAL) 2002-02 of FY 2002 Legislative Provisions (dated January 8, 2002)**

The guidance in the FAL is the same as the guidance provided in FAL 2000-02, implementation of FY 2001 legislative provisions.

For questions related to this FAL, contact Trudy Wood on (202) 586-5625 or via e-mail at [Trudy.Wood@hq.doe.gov](mailto:Trudy.Wood@hq.doe.gov)

  
Gwendolyn S. Cwan, Director

Attachment

cc:  
PPAG Members